

SEYFARTH SHAW LLP JONATHAN A. BRAUNSTEIN (SBN 227322) 560 MISSION STREET, SUITE 3100 SAN FRANCISCO, CA 94105 Telephone: (415) 397-2823 Fax: (415) 397-8549 Attorney(s) for: PLAINTIFF, BOARD OF TRUSTEES FOR THE UNITED FOOD & COMMERCIAL WORKERS UNION LOCAL 870 – NORTHERN CALIFORNIA EMPLOYERS JOINT PENSION FUND Reference: 3028220	
UNITED STATES DISTRICT COURT DISTRICT OF	
BOARD OF TRUSTEES FOR THE UNITED FOOD & COMMERCIAL WORKERS UNION, LOCAL 870 – NORHERN CALIFORNIA EMPLOYERS JOINT PENSION FUND <p style="text-align: right;">Plaintiff (s)</p> <p style="text-align: center;">v.</p> NELDHAM'S DANISH BAKERY, INC. <p style="text-align: right;">Defendant (s)</p>	CASE NUMBER: CV 08 3902 JCS <p style="text-align: center;">PROOF OF SERVICE SUMMONS AND COMPLAINT</p> <p style="text-align: center;">(Use separate proof of service for each person/party served)</p>

1. At the time of service I was at least 18 years of age and not a party to this action and I served copies of the (*specify documents*):
 - a. ☒ summons ☒ complaint ☐ alias summons ☐ first amended complaint
 in a civil case ☐ second amended complaint ☐ third amended complaint
 - ☒ other (*specify*): CIVIL COVER SHEET; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES; CIVIL STANDING ORDERS FOR MAGISTRATE JUDGE JOESPH C. SPERO; (BLANK) STANDING ORDER RE: CASE MANAGEMENT CONFERENCE; STANDING ORDER FOR ALL JUDGES OF THE NORTHERN DISTRICT OF CALIFORNIA CONTENTS OF JOINT CASE MANAGEMENT STATEMENT; NOTICE OF RULE DISCONTINUING SERVICE BY MAIL; PLAINTIFF'S CERTIFICATION OF INTERESTED ENTITIES OR PERSONS (LOCAL RULE 3-16); IN ADDITION TO THE LOCAL RULES, THE FOLLOWING GUIDELINES HAVE BEEN PROVIDED TO ENSURE THAT THE FILING PROCESS IS ACCOMPLISHED WITH EASE AND ACCURACY; NOTICE OF ASSIGNMENT OF CASE TO A UNITED STATES MAGISTRATE JUDGE FOR TRIAL; (BLANK) CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE; (BLANK) DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND REQUEST FOR RE REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE; ECF REGISTRATION INFORMATION HANDOUT; CONSENTING TO A MAGISTRATE JUDGE'S JURISDICTION IN THE NORTHERN DISTRICT OF CALIFORNIA
2. Person served:
 - a. ☒ Defendant (*name*): NELDAM'S DANISH BAKERY, INC.
 - b. ☒ Other (*specify name and title or relationship to the party/business named*): SANDRA CORDOVA, AUTHORIZED TO ACCEPT SERVICE OF PROCESS ON BEHALF OF NELDAM'S DANISH BAKERY, INC.
 - c. ☒ Address Where papers were served: 3401 TELEGRAPH AVENUE, OAKLAND, CA 94609
3. **Manner of service** in compliance with (*the appropriate box must be checked*):
 - a. ☒ Federal Rules of Civil Procedure
 - b. ☐ California Code of Civil Procedure
4. I served the person named in item 2:
 - a. ☒ By **Personal service**. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least (12) years of age.
 1. ☒ Papers were served on (*date*): AUGUST 18, 2008 at (*time*): 4:00PM
 - b. ☐ By **Substituted service**. By leaving copies:

1. ☐ **(home)** at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.
2. ☐ **(business)** or a person apparently in charge of the office or place of business, at least 18 years of age, who was informed of the general nature of the papers.
3. ☐ **Papers were served on (date):** _____ **at (time):** _____
4. ☐ **by mailing** (by first-class mail, postage prepaid) copies to the person served in item 2(b) at the place where the copies were left in Item 2(c).
5. ☐ **papers were mailed on (date):** _____
6. ☐ **due diligence.** I made at least three (3) attempts to personally serve the defendant.
- c. ☐ **Mail and acknowledgment of service.** By mailing (*by first-class mail or airmail, postage pre-paid*) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid to the sender. (**Attach completed Waiver of Service of Summons and Complaint**).
- d. ☐ **Service on domestic corporation, unincorporated association (including partnership), or public entity. (F.R.Civ.P.4(h)) (C.C.P. 416.10)** By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment of by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, a mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e. ☐ **Substituted service on domestic corporation, unincorporated association (including partnership), or public entity. (C.C.P. 415.20 only)** By leaving during usual office hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing (*by first-class mail, postage prepaid*) copies to the persons at the place where the copies were left in full compliance with C.C.P. 415.20. Substitute service upon the California Secretary of state requires a court order. (**Attach a copy of the order to this proof of service**).
- f. ☐ **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP 4(f).
- g. ☐ **Certified or registered mail service.** By mailing to an address outside California (*by first-class mail, postage prepaid, requiring a return receipt*) copies to the person served. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- h. ☐ **Other** (specify code section and type of service): _____
5. Service upon the **United States, and Its Agencies, Corporations or Officers.**
 - a. ☐ by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.
Name of person served: _____
Title of person served: _____
Date and time of service: (date): _____ at (time): _____
 - b. ☐ By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. (**Attached signed return receipt or other evidence of actual receipt by the person served**).
 - c. ☐ By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation (**Attach signed return receipt or other evidence of actual receipt by the person served**).
6. At the time of service I was at least 18 years of age and not a party to this action.
7. Person serving (*name, address and telephone number*): _____

ANDY LAZALDE/#675/SAN FRANCISCO
NATIONWIDE LEGAL, INC.
1255 POST STREET, SUITE #500
SAN FRANCISCO, CA 94109
(415) 351-0400

- a. Fee for service: \$ _____
- b. ☐ Not a Registered California Process Server
- c. ☐ Exempt from registration under B&P 2235(b)
- d. ☒ Registered California Process Server

8. ☐ I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: AUGUST 18, 2008

(Signature)

